

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-20 are currently being amended. Claims 21-30 are being added.

After amending the claims as set forth above, claims 1-30 are now pending in this application.

### **Rejection under 35 U.S.C. § 101**

In Section 1 of the Office Action, Claims 11-20 are rejected under 35 U.S.C. § 101 as being inoperative and therefore lacking utility. Applicant appreciates Examiner's suggestions for redrafting the claims to bring the claims into compliance with 35 U.S.C. § 101. The rejected claims have been amended to add structure.

Applicants respectfully request withdrawal of the rejection of Claims 11-20 as amended.

### **Rejection under 35 U.S.C. § 102**

In Section 2 of the Office Action, Claims 1, 3-10, 11, 13-19, and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0042020 (Schachne et al.). Applicant respectfully traverses the rejection. Schachne et al. does not disclose, teach, or suggest the claimed invention as recited in Claims 1-30.

Claims 1-10. Claims 2-10 depend from Claim 1. Claim 1, as amended, recites:

- (b) displaying the primary product or service on a graphical user interface utilizing the network in response to the request;
- (c) displaying at least one secondary product or service associated with the primary product or service utilizing the network prior to concluding a transaction for the primary product or service;

With respect to Claim 1 and on pages 4-5 of the Office Action, the Examiner states that Schachne et al. teaches all of the limitations of Claim 1. Applicant respectfully disagrees. There is no disclosure, suggestion, or teaching in Schachne et al. of “displaying at least one secondary product or service associated with the primary product or service utilizing the network prior to concluding a transaction for the primary product or service.” On the contrary, Schachne et al. states that:

**after obtaining the sufficient information from the customer and determining that the customer intends to conclude the first potential business transaction, an offer to conduct a second, different potential business transaction is presented to the customer.**

(see Abstract, Emphasis added). Later, Schachne et al. discloses that a:

software program ... **determines the intention of the customer to conclude the business transaction. Upon this determination and if the customer has provided sufficient information to conduct the business transaction, an offer is presented to the customer to enter a second business transaction.**

(see page 2, paragraph [0021], Emphasis added).

There is absolutely no disclosure, suggestion, or teaching in Schachne et al. of “displaying at least one secondary product or service associated with the primary product or service utilizing the network **prior to** concluding a transaction for the primary product or service.” (emphasis added). An anticipation rejection cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 1-10.

Claims 11-19 and 30. Claims 12-19 and added Claim 30 depend from Claim 11. Claim 11, as amended, recites:

(b) display the primary product or service on a graphical user interface utilizing the network in response to the request;

- (c) display at least one secondary product or service associated with the primary product or service utilizing the network prior to concluding a transaction for the primary product or service;

With respect to Claim 11 and on page 12 of the Office Action, the Examiner states that Schachne et al. teaches all of the limitations of Claim 11. Applicant respectfully disagrees. For at least the reasons just related relative to Claim 1, there is absolutely no suggestion or teaching in Schachne et al. to “display at least one secondary product or service associated with the primary product or service utilizing the network prior to concluding a transaction for the primary product or service.” An anticipation rejection cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 11-19 and 30.

Claims 20-29. Claims 21-29 depend from Claim 20. Claim 20 recites:

display the primary product or service on a graphical user interface at the consumer computer in response to the request;

display at least one secondary product or service associated with the primary product or service prior to concluding a transaction for the primary product or service;

With respect to Claim 20 and on page 12 of the Office Action, the Examiner states that Schachne et al. teaches all of the limitations of Claim 20. Applicant respectfully disagrees. For at least the reasons just related relative to Claim 1, there is absolutely no suggestion or teaching in Schachne et al. to “display at least one secondary product or service associated with the primary product or service prior to concluding a transaction for the primary product or service.” An anticipation rejection cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. Applicants respectfully request withdrawal of the rejection of Claim 20 as amended. Added Claims 21-29 depend from Claim 20. As a result, Applicant respectfully also requests allowance of added Claims 21-29.

Applicant believes that the present application is now in condition for allowance.  
Favorable reconsideration of the application as amended is respectfully requested.

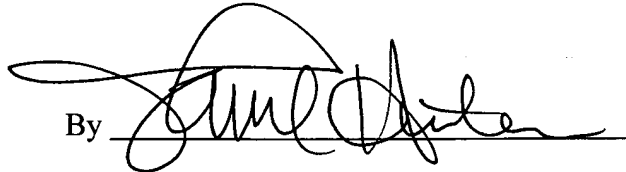
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

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By



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